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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/692,127

Filing Date: October 23, 2003

Appellant(s): CHEN ET AL.

Eustance P. Isidore
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed August 4, 2008 appealing from the Office action mailed December 5th, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0099837 A1	OE	7-2002
2004/0064572 A1	YAMAGUCHI	4-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 9-12, 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Oe et al. U.S. Patent Application Publication Number 2002/0099837 A1 (hereinafter Oe).

As per claims 1, 9, and 17, Oe discloses a method in a data processing system for controlling the transfer of data from the data processing system to a network, said method comprising the steps of: creating a file list of one or more data files to be controlled (see access right management table on page 1 section [0015]); creating a process list for each data file in the file list, wherein each process list identifies one or more processes executing in the data processing system that has accessed the data file associated with the created process list (see condition 20352 list applications limited to use the file on page 9 section [0224]); receiving a request from a requesting process

executing in the data processing system to transfer data from the data processing system to the network (see request on page 1 section [0010]); determining if the requesting process is identified in one or more created process lists (see determination step on page 1 section [0011]); and if the requesting process is identified in a created process list, prohibiting the requested transfer of data from the data processing system to the network (see denial step on page 1 section [0013]).

As per claims 2, 10, 18, Oe discloses the method according to claims 1, 9, and 17, wherein the step of creating a process list includes adding a first process to a process list when the first process receives data from a second process identified on the process list (see access monitor log and log management database on page 15 section [0348]).

As per claims 3, 11, and 19, Oe discloses the method according to claim 2, wherein the first process is only added to the process list when the received data is related to the process list's associated data file (see presence/absence of an access right on page 15 section [0350]).

As per claims 4, 12, and 20, Oe discloses the method according to claim 1, wherein the step of receiving includes receiving a request from a requesting process executing in the data processing system to transfer a data file listed in the file list from

the data processing system to the network (see the right to move and copy on page 1 section [0018]).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8, 13-16, 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oe as applied to claims 1, 9, and 17 above, and further in view of Yamaguchi et al. U.S. Patent Application Publication Number 2004/0064572 A1 (hereinafter Yamaguchi).

As per claims 5, 13, and 21, Oe does not disclose expressly the use of an authorization to enable the transfer request. Yamaguchi teaches the authentication to unlock access level after receiving a list of service (see page 3 section [0062]). Oe and Yamaguchi are analogous art because they are from the same field of endeavor, network access control systems. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include an optional step to authorize the transfer of protected contents. The motivation for doing so would have been to give the user an option to have access of controlled data. Therefore, it would have been

obvious to combine Oe with Yamaguchi for the benefit of an authorization step to obtain the invention as specified in claims 5, 13, and 21.

As per claims 6, 14, and 22, Oe does not disclose expressly the use of an authorization to enable the transfer request with a graphical user interface. Yamaguchi teaches the authentication to unlock access level after receiving a list of service with a graphical user interface (see message indicating that authentication is required on step 62 and execute user registration on step 63 on Figure 8). Oe and Yamaguchi are analogous art because they are from the same field of endeavor, network access control systems. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include an optional step to authorize the transfer of protected contents with a graphical user interface. The motivation for doing so would have been to give the user an option to have access of controlled data and offer an user friendly interface. Therefore, it would have been obvious to combine Oe with Yamaguchi for the benefit of an authorization step with graphical user interface to obtain the invention as specified in claims 6, 14, and 22.

As per claims 7, 15, and 23, Oe does not disclose expressly the use of an authorization to enable the transfer request with a graphical user interface. Yamaguchi teaches the authentication to unlock access level to receive the service (see page 3 section [0062]). Oe and Yamaguchi are analogous art because they are from the same field of endeavor, network access control systems. At the time of the invention it would

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have been obvious to a person of ordinary skill in the art to include an optional step to authorize and transfer of the protected contents. The motivation for doing so would have been to give the user an option to have access of controlled data. Therefore, it would have been obvious to combine Oe with Yamaguchi for the benefit of an authorized user transfer of protected data to obtain the invention as specified in claims 7, 15, and 23.

As per claims 8, 16, and 24, Oe does not disclose expressly the use of an authorization from a user command to enable the transfer request with a graphical user interface. Yamaguchi teaches the authentication from user registering command to unlock access level to receive the service (see message indicating that authentication is required on step 62 and execute user registration on step 63 on Figure 8). Oe and Yamaguchi are analogous art because they are from the same field of endeavor, network access control systems. At the time of the invention is would have been obvious to a person of ordinary skill in the art to include an optional step to allow user to give command to authorize and transfer of the protected contents. The motivation for doing so would have been to give the user an option to have access of controlled data. Therefore, it would have been obvious to combine Oe with Yamaguchi for the benefit of an user authorization command to transfer protected data to obtain the invention as specified in claims 8, 16, and 24.

(10) Response to Argument

Claims 1-4, 9-12, 17-20

(A) The appellant asserts that Oe cannot be properly relied upon as reference under 35 U.S.C. 102(b). The appellant asserts that Oe does not disclose creating of a process list and use the process list to control resource request. The examiner disagrees. Oe first discloses expressly the disclosure of the invention to be resource access control for processes or programs such as application or demon that runs on the OS (see page 1 section [0007]). Oe then discloses a Access Right Management Table 203 containing a condition 20352 list that list applications or process as claimed with the rights to use the files in the protected file list (see condition 20352 list that shows access right of applications or processes on page 9 section [0224]). The condition 20352 list holds the list of the applications or processes with the access to the files as the process list as claimed.

(B) The appellant asserts that Oe does not disclose the step of determining if the requesting process is identified in one or more created process lists in the independent claims. The examiner disagrees. Oe discloses expressly the determination step of the access right for the OS processes (see determining step on page 1 section [0011] and access right control for processes on page 1 section [0007]).

(C) The appellant asserts that Oe does not disclose the step of denying the requested transfer of data from the data processing system to the network. The examiner disagrees. Oe discloses expressly the controlling of operation system access to computer resources such as a network or external device on page 1 section [0009].

Oe then discloses a denial step of denying operation request if it is determined that the process does not have the access right (see denial step on page 1 section [0013] and request from process or operation system on page 1 section [0014]).

Claims 5-8, 13, 21

(D) The appellant asserts that Yamaguchi does not teach requesting authorization to perform requested transfer of data from the data processing system to the network. The examiner disagrees. Yamaguchi teaches an service authentication to unlock access level after receiving a list of service in a controlled network access system (see page 3 section [0062]). Yamaguchi also teaches the use of an interface to prompt authentication steps (see message indicating that authentication is required on step 62 and execute user registration on step 63 on Figure 8).

(E) The appellant asserts that there is a lack of motivation to combine Oe with Yamaguchi. The examiner disagrees. Both Oe and Yamaguchi disclose network data access control. Both references disclose the control of data from being transferred over a network. At the time of the invention it would have been obvious to a person of ordinary skill in the art to incorporate a user interface to enable user authentication for access control. The motivation for doing so would have been to allow users to modify access control of the resources if needed.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/A. S. C./

Examiner, Art Unit 2451

Alan Chou
Examiner
Art Unit 2451
ASC

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